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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
	§	
James Melvin Fechtler	§	
and	§	CASE NO. 13-70288-HdH-13
Eva Louise Fechtler	§	
	§	
DEBTORS	§	

DEBTORS' MOTION FOR APPROVAL OF AGREEMENT
TO MODIFY STAY FOR DIVORCE

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

This Motion for Approval of Agreement to Modify Stay for Divorce is brought by James Melvin Fechtler and Eva Louise Fechtler, Movants. In support, Movants show:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 AND 157.
2. On August 1, 2013, James Melvin Fechtler and Eva Louise Fechtler referred to in this motion as "Debtors", filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
3. Movants wish to initiate divorce proceedings in the 97th District Court, Montague County, Texas in order to dissolve their marriage and to obtain a division of their property. By virtue of the filing of Debtors' voluntary petition under Chapter 13 and the provisions of 11 U.S.C. § 362, Movants are stayed from seeking such relief in the 97th District Court, Montague County, Texas.
4. Accordingly, Movants seek relief from the automatic stay of 11 U.S.C. § 362 to allow Movants to seek and obtain the following forms of relief from the 97th District Court, Montague County, Texas: injunctions; discovery orders; temporary orders regarding support, alimony, and the use of property; enforcement orders, including contempt, judgment, and wage withholding; clarification orders; final orders on divorce, characterization, valuation, and division of property and debts; and final orders on support.
5. The only property that Movants expects will be characterized, valued, and divided by the 97th District Court, Montague County, Texas, consists of property claimed as exempt by Debtors, and property of the estate that the Trustee may abandon. Obviously, any orders dividing non-exempt property of

Debtors' bankruptcy estate shall be effective between the Debtors but may be subject to defeasance by subsequent order of this court.

6. Movants respectfully submit that, even though this Court's jurisdiction over Debtors' property supersedes the jurisdiction of the 97th District Court, Montague County, Texas, this Court is not required to and should not undertake to be a family law court. 28 U.S.C. § 1334(c)(1). Debtors' marital interest should be defined under the Family Code of the State of Texas. The 97th District Court, Montague County, Texas, sitting in family law, has expertise in such matters. Therefore, in the interest of justice, court economy, and deference to that expertise, cause exists for relief from stay to permit the 97th District Court, Montague County, Texas, to hear and determine the issues to be raised in Movants' contemplated divorce action. In re Baker, 75 Bank. 120, 121 (Bank. D. Del. 1987).
7. Debtors pray that the Court dispense with the twelve-day waiting period under Rule 4001(b) and immediately enter its Order Lifting Stay and allowing divorce.

Movants respectfully request that this Court enter its order relaxing the automatic stay of 11 U.S.C. § 362 so as to authorize Movants to seek and obtain the relief described above from the 97th District Court, Montague County, Texas and that Movants have such other and further relief, both at law and in equity, to which they are justly entitled.

Respectfully submitted,

/s/Monte J. White, Attorney for Debtor(s)

CERTIFICATE OF CONFERENCE

Counsel has contacted the office of Chapter 13 Trustee. All parties agree that the Motion should be granted and Trustee has no objections to waiving the 12-day waiting period.

AGREED TO BY:

/s/Marc McBeath w/permission by Monte J. White
Chapter 13 Trustee

/s/Monte J. White
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I, Monte J. White, do hereby certify that a true and correct copy of the foregoing Motion has been forwarded by first class, postage prepaid mail on April 9, 2014, to all persons named.

Walter O'Cheskey
Chapter 13 Trustee
6308 Iola
Lubbock, TX 79424

James Melvin Fechtler
426 Fechtler Rd
Nocona, TX 76255

US Trustee
William T. Neary
1100 Commerce St., RM9C60
Dallas, TX 75242

Eva Louise Fechtler
426 Fechtler Rd
Nocona, TX 76255

/s/Monte J. White
Attorney for Debtors